

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

ROY ROBINSON,

Plaintiff,

v.

MARTY ALLEN,

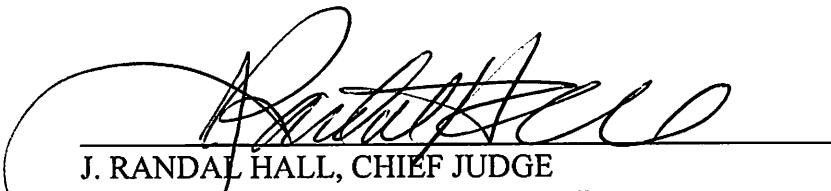
Defendant.

CIVIL ACTION NO.: 6:17-cv-85

ORDER

Presently before the Court is Plaintiff's Notice of Voluntary Dismissal. (Doc. 5.)¹ Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), the Court **GRANTS** Plaintiff's Motion and **DISMISSES** this case **WITHOUT PREJUDICE**. The Court **DIRECTS** the Clerk of Court to enter an appropriate judgment of dismissal and to **CLOSE** this case.

SO ORDERED, this 7th day of June, 2018.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

¹ Plaintiff actually submitted a letter requesting the Court to "drop this claim" due to his release from Georgia State Prison. (Doc. 5, p. 1.) Accordingly, the Court shall recast Plaintiff's letter as a Notice of Voluntary Dismissal. (See Doc. 4, p. 3.) "Federal courts sometimes will ignore the legal label that a *pro se* litigant attaches to a motion and recharacterize the motion in order to place it within a different legal category." *Retic v. United States*, 215 F. App'x 962, 964 (11th Cir. 2007) (quoting *Castro v. United States*, 540 U.S. 375, 381 (2003)). Federal courts "may do so in order to avoid an unnecessary dismissal, to avoid inappropriately stringent application of formal labeling requirements, or to create a better correspondence between the substance of a *pro se* motion's claim and its underlying legal basis." *Id.* (quoting *Castro*, 540 U.S. at 381–82).